

Philby and the Milk

Chap. XXII

During our talk I discovered that not content with sitting in 721
Najran, Suwaiyan had from there raided south-east as far as Hadhramaut and Dhufar, and had lifted camels from the dreaded Sai'ar and Karab tribes. He himself had brought back five camels as *chessib*, two of which he showed me outside his tent. They were small brown things, with much less bone than their Hasa brothers. Rather remarkable, I thought, seeing camels raided from Hadhramaut grazing in Kuwait! The same Suwaiyan, I was told, had penetrated into Sana, the capital of Yaman, alone as a spy, and had got back safely.

Whilst we were talking, there entered the tent Ráshid bin Fahad, 000
cousin of Philby's chief guide and leader on the famous march across the Rub' al Kháli. He had many stories to tell of Philby and of the famous milk incident. "What would you," he said, "the she-camel (*ndgd*) would not give her milk the evening Hilby* wanted his drink. Camels are like that, you cannot force them to give their milk. *Allah i salmu*, he Hilby, did not understand, and thought the Badawin of the party had drunk his milk."

Philby's friend Falah abu Ja'sha got into serious trouble in August 637
1935. He was apparently commander of an escort on the Kuwait frontier, which was told off to conduct a Rashidi prisoner from Jeriyah 'Ilya to Hufuf. The prisoner's crime was stealing two Sbei 695
camels from near Riyadh and making off with them to the Kuwait frontier.

When nearing Hufuf, the prisoner cleverly escaped while the escort slept during the heat of the day. Though manacled, he contrived to collect his escort's rifles and ammunition, placed them on one of the camels and got right away to Kuwait and Iraq. He sportingly sent back the rifles and camels to their owners, through a woman living in Kuwait, and by the hand of one Nazzal of the 'Awanna (Rashaida).

As a punishment for his negligence the late Amir 'Abdulla bin Jiluwi, Governor of Hasa, is reported to have ordered that Falah abu Ja'sha's beard, or rather half of it, should be shaved off every Friday for a whole month.

* Mr. Philby is known among the Badawin as 'Abdulla Hilby.

Border Cases

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THE PRACTICAL APPLICATION OF THE CUSTOM OF 'ARAFAT ON THE BORDERLAND BETWEEN TWO STATES

425 The application of the 'arafa law becomes somewhat less easy when
648 two tribes which are perhaps hostile to each other, or belong to differ-
619 ent states adjoining one another, are involved, or where strong
Governments are functioning, as to-day in the case in Kuwait, Sa'udi
Arabia and Iraq, and where border officials are interested in seeing
that shaikhs and individual members of tribes in their areas do not
raid, steal or take the law into their own hands, especially across the
border.

In such cases, while the custom of 'arafa is quite well understood,
it is essential that a controlling authority enforce the rules of the game,
otherwise nothing is done. The Shaikh of Kuwait put it in a nutshell,
when he told me that the law of 'arafa was a most excellent law for
settling Badawin disputes, and it dated back to very ancient times,
but unless Rulers or Governments were strong enough to enforce it
within or across their borders it became quite useless, for then as
always the strongest won the day. A Badawin, for instance, in the case
mentioned below, would never hand over the camel he had purchased
unless he was made to do so by his Government acting through its
officials on the spot.

425 "A", a subject of some state, finds a camel which has been stolen
[694] from him in the past, grazing in the desert with "B's" camels (a sub-
ject of another state). "A's" and "B's" tribes are not on friendly terms.
• 695 "A" does not waste his time in going and demanding it from "B",
696 who quite naturally will refuse to give it up until made to do so. He
goes instead to the nearest *Hdkim* or Government representative in
the particular area "B" is in, armed with a letter from his own frontier
officer. (To-day in North-East Arabia it is Hamud al Baga'awi for
Sa'udi Arabia, 'Abdullah bin Jabir for Kuwait, and the Iraqi Officer
in Charge Southern Desert Police for Iraq), and will say that "B"
has in his possession a certain camel which has been stolen from him,
"A". The officer in charge of the area in question will send for "B"
and in his presence will ask "A" to prove his claim. Here is where
the Shari'a law comes in as practised in the desert. "A" can

Three States Involved

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prove his claim in two ways, (a) either by producing two witnesses⁴²⁵ who will corroborate his testimony that the camel was his property, ⁶⁹⁵ and that he had neither sold nor given it away, or (b) "A" can pro-⁶⁹⁶ duce one witness who must declare *on oath* that the camel belongs to "A" and that it was neither sold nor given away by him.

"B" can also if he likes insist that "A" states the same thing on oath, but this is not actually necessary, according to the law.

One or other of these courses having been followed, the Government officer in charge of the area in question does not even ask how "B" got the camel, but on the above evidence must order "B" to hand over the animal at once.

If "B" has stolen the camel himself, he will of course gladly hand over and hope "A" will not bring further witness proving that he stole it.

If, however, "B" has innocently bought the camel from say "C", then he can be counted upon to shout this fact from the housetops (this in spite of the fact that a rather dead order exists both in Sa'udi Arabia and Kuwait to-day, which forbids a man buying a camel till the seller can satisfactorily prove that it has not been stolen). The officer dealing with the case will then proceed as follows: He must ask who the seller "C" was and where he can be found. When "B" has told him, "C" will be summoned, and in the presence of "C" "B" will have to produce two witnesses to testify that he bought the camel from "C" (or one witness to take oath). When "B" has done this to the satisfaction of the officer, the latter makes "C" pay the purchase money back to "B". If "C" claims to have bought the camel from "D", the officer will adopt the same procedure, working backwards till the original thief is found, who then is suitably punished.

The above method of settlement becomes somewhat more compli-⁴²⁵ cated if individuals concerned are subjects of different states. For⁶⁴⁸ instance, should "A" be a Kuwaiti, "B" be an Iraqi and "C" a Najdi,⁶⁹⁴ the procedure is the same, only three *Hakims* or frontier officers⁶⁹⁵ have to be brought in. For instance, "A" will go to the Shaikh of⁶⁴¹ Kuwait, who will send him armed with a letter (usually also with a letter from the Political Agent) to the Inspecting Officer or Com-

mandant of Police Southern Desert area where "B" resides. That official will take action on the letter, and if proofs are clear will hand back the camel to "A". He will then send "B" with a letter direct to al Baga'awi, or such other Najd official as may be in charge of Sa'udi Arabian frontier affairs opposite Iraq and Kuwait, together with "B's" witnesses. Al Baga'awi will then get "B's" rights from "C" and so on. In conclusion, the easy working of the 'arafa system along a frontier obviously depends on four things:

(a) that friendly relations exist between the Governments involved;
 (b) that officers are placed in charge of frontier areas, and that their writ goes;

(c) that such local officials are empowered to deal direct with each other without having to refer to higher authority: this especially applies to smaller claims of tribesmen on both sides of the border. (Important cases would of course be referred to Central Governments.)

(d) That the Shari'a law, recognised by the Badawin of the desert, and not any form of civil code, be applied in deciding 'arafa questions, especially where oaths are concerned.

Between 1929 and 1930 Captain Glubb, R.E., at one time in charge of the Iraq Southern Desert area, and I in my capacity of Political Agent, Kuwait, frequently dealt direct with each other in questions of claims between Iraq and Kuwait tribesmen, and we settled many cases on the above lines, everyone being satisfied and accepting settlement cheerfully. During the same period matters were not so easy where Kuwait and Sa'udi Arabia tribes were concerned, because (a) relations unfortunately were not good, and (b) no official of officer status existed across the border who could be addressed on the subject with prospect of reasonable success. Later, however, His Majesty King Bin Sa'ud remedied the matter by appointing strong frontier representatives, with headquarters at Hafar and Jariyah Ilya respectively, and matters greatly improved.

In February 1931 His Majesty King Bin Sa'ud proposed to the Shaikh of Kuwait that all camel claims affecting both states which went back prior to February 1931 should be declared *madfun* ("buried") because an enormous number had accumulated as a result of the

Thieving

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It may be mentioned in passing that a man who steals a slave of a prince or prominent Arab, whether in war or by underhand means, is never forgiven, and his death will be sought for and encompassed, if the original owner has to search for the culprit all his life and to the ends of the earth.

THEFT

Common thieving, whether from enemy or friend, is considered 'aib or a shameful thing among the true Badawin and is simply "not done".

The lifting of horses and camels from other Badawin with whom an ancient feud or enmity exists is not theft; it is a *ghazw*, or honourable raid. The appropriation of other people's property never takes place between persons or tribes who are on terms of friendship or alliance.

Given a strong central government such as in Sa'udi Arabia, and raiding becomes at once unfashionable, but if there is the least loss of control at the centre then out go the raiders, all intent on fun and *chessib* (loot).

Common thieving is punished by the loss of the right hand for the first offence, and so on for subsequent offences, and this punishment has the sanction of the Shari'ah Law behind it. The method is in force throughout Sa'udi Arabia to-day, in Yaman and in some of the neighbouring Arab states of the Persian Gulf.

Among the Northern Badawin of Arabia, if an accused man denies a theft, and there is no proof either way, the shaikh of a tribe or community sometimes orders the accused to stand the ordeal by fire. A sword or ramrod is brought and the end heated red hot in a fire and applied for a couple of seconds to the accused's tongue. If he is innocent he will not be hurt and will depart honourably acquitted and with head held high. If guilty his tongue will at once be badly burnt and the crime will be brought home to him.

I only once had a case of this brought to my notice. Shaikh Mahruth ibn Fahad Beg al Hadhal, of the Amarat ('Anizah), had a sword stolen from him when camped near Kerbela in 1922. As Political Officer Middle Euphrates I had a man from Musaiyib arrested on suspicion, the theft having been laid at his door by Shaikh Mahruth himself. No definite evidence was forthcoming and I was about to release the

Poisoning

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685 man when Shaikh Mahruth demanded that the ordeal by fire be
695 resorted to. I should have liked to agree, to see how it worked, but
couldn't very well accede to the request, so released the man, much
to Shaikh Mahruth's disgust.

POISONING

682 Despite the difficulty of proof, it seems certain that poison is used
278 pretty extensively in some parts of Arabia (especially the towns)
[369] to remove an inconvenient person, such as a private adversary or
possibly an unpleasant husband.

Rulers like the Al Rashid, Al Sa'adun and Al Sa'ud have certainly
used this method in the past, when out to get the better of their
political opponents, but I am glad to record that never has it been
suggested or hinted (even by his enemies) that the present great ruler
of Sa'udi Arabia, H.M. King 'Abdul 'Aziz al Sa'ud, has ever sunk to
such methods.

Probably the commonest poison is arsenic, or some preparation
of it. The reason of this is that its effects are rather like cholera, so no
questions are asked. Post-mortems are of course unknown. Arsenic,
moreover, is easily obtained in every town in Arabia, seeing that it
forms the chief ingredient in making preparations for treating camel
[369] mange, and in the bigger towns arsenic mixed with lime is a favourite
depilatory among better-class women.

The townspeople call poison *sim*, while among the Badawin it is
known as *sagwa*.

I have been told by some of my Badawin friends that a common
way of administering *sagwa* under the Al Rashid regime was by means
of the coffee-cup. The coffee man kept some arsenic powder made
into a paste on his thumb nail, and when he came to the person he
wanted to poison he lifted his thumb over the edge of the cup and
poured, as if by accident, some coffee over his thumb, and the poison
went into the cup. The one to be poisoned drank it, later went sick,
showed every symptom of cholera and then died.

An old 'Ajman shaikh told me (10th April, 1935) that when Ibn
Rashid tried to poison Shaikh Abdur Rahman al Sa'ud (the father of
the present King) and his brother when they were his hostages in